

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

October 22, 2002
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Barrett, Chow, Mallory, Silver, Turner, Ways

Absent: None

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Bruce Ellis (Building Inspection), Domancio Rodriguez (Police), and Barry Larkin (Fire).

Ron Whitehead, City Manager, announced the upcoming Meritorious Service Luncheon, Citizen Academy, Belt Line closure for repairs, Addison Garage Sale, Addison Halloween event.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the October 8, 2002 Council meeting.

Councilmember Turner moved to approve the Minutes of the October 8, 2002 Council meeting as written. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways

Voting Nay: None

Absent: None

Item #2b – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$5,751.00 with Dallas County Health Department for annual health services.

Councilmember Silver moved to duly pass Resolution No. R02-088 authorizing the City Manager to enter into a contract in the amount of \$5,751.00 with Dallas County Health Department for annual health services, subject to City Attorney approval. Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways

Voting Nay: None

Absent: None

Item #2c – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$3,000.00 with Trinity River Authority (TRA) for wastewater testing services.

Councilmember Silver moved to duly pass Resolution No. R02-089 authorizing the City Manager to enter into a contract in an amount not to exceed \$3,000.00 with Trinity River Authority (TRA) for wastewater testing services. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R3 – Presentation of a Proclamation for Marine Corp Week.

Mayor Wheeler presented a Proclamation for Marine Corp Week, November 4-10, 2002 to Marine Major Carl J. Kunhardt of the 2d Battalion, 14th Marine Regiment.

Item #R4 – Consideration of an Ordinance adopting the 2002 National Electrical Code.

Councilmember Barrett moved to duly pass Ordinance No. 002-041 adopting the 2002 National Electrical Code. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R5 – Consideration of an Ordinance requesting a variance to the Town of Addison Ordinance Appendix B, Section XVI, G2, which requires underground construction of utility and service lines for an existing building located at 4321 Airborn Drive.

Councilmember Mallory moved to duly pass Ordinance No. 002-042 approving the request for a variance to the Town of Addison Ordinance Appendix B, Section XVI, G2, which requires underground construction of utility and service lines for an existing building located at 4321 Airborn Drive. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Mallory, Silver, Ways
Voting Nay: Barrett, Turner
Absent: None

Item #R6 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163 Area, located at 14651 Dallas Parkway, on application from Chandler Signs, L.P.

Councilmember Mallory moved to duly pass Ordinance No. 002-043 approving a meritorious exception to Chapter 62, Signs, Section 62-163 Area, located at 14651 Dallas Parkway, on application from Chandler Signs, L.P. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R7 – Consideration of a Change Order in the amount of \$58,386.16 to AUI Contractors for removal and replacement of equipment and finishes in the steam rooms and dry saunas of the Addison Athletic Club.

Councilmember Silver moved to approve a Change Order in the amount of \$58,386.16 to AUI Contractors for removal and replacement of equipment and finishes in the steam rooms and dry saunas of the Addison Athletic Club. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R8 – Consideration of a Resolution approving a Compromise, Settlement and Release Agreement by and between the Town of Addison and TXU Electric Company (now known as TXU US Holdings Company) and TXU Gas Company regarding the calculation and amount of franchise fees paid by the said Companies.

Councilmember Silver moved to duly pass Resolution No. R02-090 approving a Compromise, Settlement and Release Agreement by and between the Town of Addison and TXU Electric Company (now known as TXU US Holdings Company) and TXU Gas Company regarding the calculation and amount of franchise fees paid by the said Companies. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R9 – **PUBLIC HEARING** and **FIRST READING** of an Ordinance amending the existing Electric Franchise of the Town between the Town and Oncor Electric Delviery Company to provide for a different consideration (being a sum comprised of (i) a charge authorized by Section 33.008(b) of the Texas Public Utility Regulatory Act based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the Town municipal boundaries, and (ii) a sum equal to four percent (4%) of gross revenues received by Oncor from services identified in its "Tariff for Retail Delivery Services", Section 6.1.2, "Discretionary Service Charges," items DD1 through DD24, that are for the account or benefit of an

end-use retail electric consumer, providing that Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges, and that the Town will not take action to prohibit the recovery of such franchise fees; providing for acceptance by Oncor Electric Delivery Company; providing a savings clause, finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law, providing for two readings of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action required.

Item #R10 - **PUBLIC HEARING** and **FIRST READING** of an Ordinance amending the existing Gas Franchise of the Town between the Town and TXU Gas Company to provide for a different consideration (being four percent (4%) of the gross revenues received by TXU Gas ("gross revenues" being defined in part to mean all revenue derived or received, directly or indirectly, by TXU Gas Company from or in connection with the operation of the gas distribution system within the corporate limits of the Town)); providing for a most favored nations clause; providing that TXU Gas Company may file a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment, and that the Town will not take action to prohibit the recovery of such franchise fees; providing that TXU shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way under the conditions stated in the Ordinance; providing for acceptance by TXU Gas Company; providing a savings clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; providing for two reading of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action required.

Item #R11 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$512,828.00 with Barson Utilities, Inc., for construction of the Brookhaven Club Sanitary Sewer Line Project.

Councilmember Mallory moved to duly pass Resolution No. R02-091 authorizing the City Manager to enter into a contract in the amount of \$512,828.00 with Barson Utilities, Inc., for construction of the Brookhaven Club Sanitary Sewer Line Project. Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$17,750.00 with Teague Nall and Perkins for preparation of a Storm Water Management Plan and filing for a Texas Pollution Discharge Elimination System (TPDES) Permit.

Councilmember Chow moved to duly pass Resolution No. R02-092 authorizing the City manager to enter into a contract in the amount of \$17,750.00 with Teague Nall and Perkins for preparation of a Storm Water Management Plan and filing for a Texas Pollution Discharge Elimination System (TPDES) Permit. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

EXECUTIVE SESSION. At 9:20 p.m. Mayor Wheeler announced that the Council would go into **Executive Session** to discuss the following items:

Item #ES1 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase or condemnation of a 0.035 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road, a portion of the Quorum Centre Addition, owned by trail Hotels Corporation (located generally at 15200 Addison Road).

Item #ES2 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase or condemnation of a 0.073 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road, owned by Sultan Chanaa (and being a portion of 15201 Addison Road).

The Council came out of **Executive Session** at 9:29 p.m.

Item #R13 – Consideration of a Resolution authorizing condemnation of a 0.035 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road; a portion of the Quorum Centre Addition, (located generally at 15200 Addison Road).

Councilmember Mallory moved to duly pass Resolution No. R02-093 authorizing condemnation of a 0.035 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road; a portion of the Quorum Centre Addition, (located generally at 15200 Addison Road). Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R14 – Consideration of a Resolution authorizing condemnation of a 0.073 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road (and being a portion of 15201 Addison Road).

Councilmember Silver moved to duly pass Resolution No. R02-094 authorizing condemnation of a 0.073 acre tract of land for a parkway easement adjacent to the right-of-way of Addison Road (and being a portion of 15201 Addison Road). Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

There being no further business before the Council, the meeting was adjourned.

Mayor

Attest:

City Secretary